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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,852	12/02/2003	Takanori Yano	6453P018	5584

8791 7590 02/07/2008
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

GE, YUZHEN

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,852	Applicant(s) YANO ET AL.	
	Examiner Yuzhen Ge	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9,20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Examiner's Remark

Applicant's amendment, filed on Dec. 26, 2007, has been received and entered into the file. Claims 1-3, 9, and 20-30 are pending with claims 21-30 new. Claims 4-8 and 10-19 are canceled. There are discrepancies of the status of claims between the claims dated on Dec. 26, 2007 and the description in the Remarks dated Dec. 26, 2007 by the applicant. The examiner determines the correct status of the claims according to the claims submitted instead of the Remarks by the applicant. The 101 rejections of claims 18-19 have been overcome in view of applicant's amendments/remarks by cancelling the claims and are hereby withdrawn. The objection to specification has not been overcome.

Regarding applicant's argument that Fukuhara does not disclose a code sequence converting unit that includes a dividing unit to divide the first code data into a header portion and a code portion, a setting unit to set the header portion and the code portion to be integrated into the second code data, a header processing unit to change size of the header portion to be an image size after being integrated, and generate a new tile part header, and a synthesizing unit to synthesize data processed by the header processing unit to be the second code data in conformity with Motion JPEG 2000, the examiner disagrees. Fukuhara et al teach or suggest all but one of these limitations as in the rejection below. The one limitation that they do not explicitly teach is changing size of the header portion to be an image size after being integrated. A new reference is introduced for a new ground of rejection.

Applicant's arguments with respect to the claims 9, 24 and 29 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. Claims 1-3, 9 and 20-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 21, and 26 recite the limitation "changing the size of the header portion to an image size after being integrated". This limitation was not described in the specification. Paragraph [0079] of the publication corresponding to this application discloses changing an image size of a main header to another image size after integration. Therefore it is an image size in the main header that is changed, not the size of the header portion. The examiner will interpret the limitation as "changing an image size in the header portion to another image size after being integrated".
3. Claims 2, 9, 24, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the first synthesizing unit" in claim 1. There is insufficient antecedent basis for this limitation in the claim. The examiner will interpret it as "the synthesizing unit".

Claims 9, 24 and 29 recite the limitation "each of the frames", "the static images" in claims 1, 21 and 26 respectively. There is insufficient antecedent basis for these limitations in the claim. The examiner will interpret them as "a frame", "static images" respectively.

Claim 9 recites the limitations "the second accepting unit", "the first converting unit" and "the user" in claim 1. There is insufficient antecedent basis for these limitations in the claim. The examiner will interpret them as "an accepting unit", "the code sequence converting unit" and "a user" respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 9, and 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuhara et al (US Patent Pub. No.: US 2001/0028404 A1) in view of Maeda (US Patent 6,512,793).

Regarding claim 1 (interpreted), Fukuhara et al teach an image processing apparatus, comprising:

a compressing unit to compress and encode image data of a static image in accordance with a JPEG 2000 algorithm and generate first code data (abstract, Figs. 1 and 8, paragraphs [0005], [0035]);

a storing unit to store the first code data that is compressed by the compressing unit (Figs. 1 and 8, inherent from a computer implemented method that the data is stored, paragraphs [0049]); and

a code sequence converting unit to convert the first code data being stored by the storing unit into second code data in conformity with Motion JPEG 2000 (abstract, Figs. 8-11, paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0069]);

wherein the code sequence converting unit comprises:

a dividing unit to divide the first code data into a header portion and a code portion (Figs. 1-5 and 8-9, the unit that separate the header and the code, paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0069], when conversion is performed, the header and code data has to be divided/parsed in order to obtain the correct headers and code for the second code data);

a setting unit to set the header portion and the code portion to be integrated into the second code data (paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0069], when the conversion is performed, the code is to be integrated in the new signature box and code data as shown in Fig. 9, Figs. 10-12);

generate a new tile part header (paragraph [0057], paragraphs [0063-0065]); and

a synthesizing unit to synthesize data processed by the header processing unit to be the second code data in conformity with Motion JPEG 2000 (paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0069], Figs. 8-12).

However they do not explicitly teach a header processing unit to change an image size in the header portion to be another image size after being integrated. In the same field of

endeavor, Maeda teaches a header processing unit to change an image size in the header portion to be another image size after being integrated (Figs. 46A-46D and Fig. 48, col. 38, lines 33-40). It is desirable to update the size of the image to be the correct size of the synthesized image. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to change an image size in the header portion to be another image size after being integrated.

Regarding claim 2, Fukuhara et al and Maeda teach the image processing apparatus as claimed in claim 1. Fukuhara et al further teach wherein the synthesizing unit synthesizes the first code data and converts the first code data being synthesized into a single data sequence of the second code data where images aligning a plurality of static images are compressed and encoded (abstract, Figs. 1, 7, and 9-12, paragraphs [0008], [0011], [0018], [0020], [0057], [0063]-[0064] and [0068]-[0069], P1-Pi are images aligning a plurality of static images as in Figs. 11-12, paragraph [0067]).

Regarding claim 3, Fukuhara et al and Maeda teach the image processing apparatus as claimed in claim 1. Fukuhara et al further teach the apparatus comprising:

a decompressing unit to decompress the first and second code data (paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0068]-[0070]); and

a displaying unit to display the frames showing image data in chronological order at a display unit after the first and second code data are decompressed (paragraphs [0015]-[0016] [0043], and [0070]).

Regarding claim 20, Fukuhara et al and Maeda teach the image processing apparatus of claim 1. Fukuhara et al further teach the apparatus comprising:

an image pickup device to image the static image, wherein the compressing unit compresses and encodes image data generated from the image pickup device (paragraphs [0006]-[0008] and [0017]);

a decompressing circuit to decompress and decode the code data of the first code data or the second code data (paragraphs [0002], [0004]-[0005], [0008], [0011], [0018], [0020], [0043], [0048]-[0049], [0057], [0059], [0063]-[0064] and [0068]-[0070]).

Claims 21-23 and 25 are the corresponding method claims of claims 1-3 and 20. Fukuhara et al teach a method (abstract, paragraphs [0012] and [0016]). Claims 26-28 and 30 are the corresponding computer readable medium claims of claims 1-3 and 20. Fukuhara et al teach a computer readable medium (abstract, paragraphs [0049], memory is computer-readable medium, also inherent from a computer implemented method that computer readable medium is taught). Thus Fukuhara et al and Maeda teach claims 21-23, 25-28 and 30 as evidently explained in the above-cited passages.

Regarding claims 9, 24 and 29, Fukuhara et al and Maeda teach the image processing apparatus, method and article of manufacture as claimed in claims 1, 21 and 26. Maeda teaches an accepting unit accepts a request of an integration degree from a user (col. 5, lines 26-35, Figs. 34, 36, 39, col. 25, lines 1-8 and lines 26-29 and lines 61-64, col. 26, lines 3-35 and lines 40-49, the more objects are selected, the higher the degree, col. 27, lines 35-44, integration order can be regarded as the integration degree); and a unit determines a number of the static images to form each of the frames based on the integration degree accepted by the accepting unit (col. 5, lines 26-35, Figs. 34, 36, 39, col. 25, lines 1-8 and lines 26-29 and lines 61-64, col. 26, lines 3-35 and lines 40-49, col. 27, lines 35-44, each object can correspond to a static image).

It is desirable to let the user visualize the images according to the need of the application and user and it is desirable to achieve optimal encoding by integrating several images into one frame (col. 1, lines 19-22 of Maeda). Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to use the method of Maeda to accept a request of an integration degree from a user and determine a number of static images to form a frame based on the integration degree so that an user has control on the visualization of the images and encoding is optimized.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuzhen Ge whose telephone number is 571-272 7636. The examiner can normally be reached on 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuzhen Ge
Examiner
Art Unit 2624

WENPENG CHEN
PRIMARY EXAMINER


2/5/08